



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

December 7, 2005

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM

TANF Transmittal #31

This transmittal contains changes and clarifications to the TANF program. The transmittal reflects changes related to legal presence requirements. The new requirements are a result of House Bill 1798 which passed in the 2005 General Assembly session. The changes in this transmittal are effective January 1, 2006. The transmittal changes and guidance for updating the policy manual are listed below:

Legal Presence – All recipients of TANF must be a U.S. Citizen or qualified alien in order to receive assistance. Aliens must continue to provide the documentation currently required to prove qualified alien status. Citizens age 19 or older must now provide affirmative proof of citizenship or legal presence. Such proof can include documentation to prove citizenship (such as a birth certificate) or a social security number.

If a person claims to be a citizen but does not have a social security number or proof of citizenship, eligibility may exist up to 90 days or until it is determined whether or not the person is legally present. If a social security number or proof of citizenship is not provided by the end of 90 days, the person is ineligible. Current recipients age 19 or older must comply by the next redetermination.

The pages of this transmittal are to be incorporated in the TANF Manual as follows:

Table of Contents, page 2, dated 1/06 (1 sheet) to replace Table of Contents, page 2, dated 10/04 (1 sheet).

Section 200, page 1, dated 1/06 (1 sheet) to replace Section 200, page 1, dated 7/03 (1 sheet).

Section 201.7, pages 1, 1c, and 1d, dated 1/06 (3 sheets) to replace Section 201.7, pages 1, 1c, and 1d, dated 7/04 (3 sheets.)

Procedures Section 1, page 6, dated 1/06 (1 sheet) to replace Procedures Section 1, page 6, dated 7/04 (1 sheet).

Index, page 4, dated 1/06 (1 sheet) to replace Index, page 4, dated 4/05 (1 sheet).

A handwritten signature in black ink, reading "S. Duke Storen". The signature is fluid and cursive, with a long horizontal stroke at the end.

S. Duke Storen
Division of Benefit Programs

Attachment

Appendix I - Request for the Address of a TANF Recipient

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201.7 CITIZENSHIP AND ALIENAGE - Federal law* **and state law**** requires anyone whose needs are considered in determining the amount of assistance for TANF to be a citizen of the United States or an eligible alien.

A. Citizenship/Alienage Status

1. Citizenship - An individual is a U.S. citizen if he is:
 - a. born in the United States, regardless of the citizenship of his parents; or
 - b. born outside the United States of U.S. citizen parents (the mother if born out of wedlock); or
 - c. born outside the United States of alien parents and has been naturalized as a U.S. citizen. A child born outside the United States of alien parents automatically becomes a citizen after birth if his parents (the mother if born out of wedlock) are naturalized before he becomes 16 years of age.

An applicant age 19 or older who declares himself a citizen must provide proof of citizenship or a valid social security number.

2. Alienage - An alien must be a qualified alien as defined below or meet the exception in d.3) below. If the alien does not meet the definition of a qualified alien or the exception, he does not meet the alienage requirement. If he meets the definition of a qualified alien, he must then be evaluated in accordance with b., c., and d.1) and d.2) below, depending on the date he entered the U.S.
 - a. "Qualified alien" is defined as:
 - 1) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
 - 2) an alien granted asylum under Section 208 of the INA;
 - 3) a refugee admitted to the U.S. under Section 207 of the INA, or an alien who is admitted to the U.S. as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 (as contained in section 101(e) of Public Law 100-202 and amended by the 9th proviso under MIGRATION AND REFUGEE ASSISTANCE in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, Public Law 100-461, as amended),*** or an alien who is a victim of human trafficking.
 - 4) an alien paroled into the U.S. under Section 212(d)(5) of the INA for a period of at least one year;
 - 5) an alien whose deportation is being withheld under Section 243(h) of the INA (as in effect prior to April 1, 1997) or section 241(b)(3) of the INA (as amended by section 305(a) of division C of Public Law 104-208);**

* Public Law 104-193

** 63.2-503.1

*** Public Law 105-33

1. Agency/Organization Sponsor - If sponsored by an agency/organization, eligibility for TANF does not exist for the first three years of U.S. residence unless the agency/organization no longer exists or is financially unable to provide support.

Certain Soviet Jewish refugees have been admitted to the United States under a Memorandum of Understanding (MOU) between the U.S. Department of State and two private Jewish agencies, the Council of Jewish Aid and the Hebrew Immigrant Aid Society. The MOU states that the sponsoring agency will ensure that these refugees do not require cash, medical or food stamp assistance for two years after their admission to the U.S. Refugees admitted under MOU will possess USCIS Arrival-Departure Records (I-94) which contain the following statement:

"This refugee is sponsored by the Hebrew Immigrant Aid Society and (name of local Jewish organization). Private resources are available. If assistance is sought, please call (name of local Jewish agency) at (phone number)."

The sponsorship statement is to be regarded by the worker as a lead that other income and resources may be available to meet the refugee's needs. The sponsoring agency must be contacted to determine the actual availability of any income and/or resources and use such verified information in the determination of the unit's eligibility. It is not, however, appropriate to deny an application for assistance solely on the basis of the sponsorship statement on the refugee's I-94.

2. Individual Sponsor - Individuals who petition USCIS to become a sponsor of an alien must execute an affidavit of support. In some situations, an alien may be sponsored by more than one individual. Refer to Section 305.4.D. regarding sponsor deeming requirements.

C. Verification of Citizenship or Alien Status

As a condition of eligibility, all TANF applicants/recipients shall provide, or have provided on their behalf, a signed statement attesting, under penalty of perjury, to their citizenship or alien status.* An applicant/recipient age 18 or older must sign the declaration for all assistance unit members. In the absence of an adult in the assistance unit, the applicant will sign for all unit members.

The declaration is to be obtained at the time of application or when a new member is requested/required to be in the unit. Exception: A written declaration on behalf of a newborn should be obtained at the time the child is requested/required to be included in the assistance unit. The

* Social Security Act, Section 1137(d)(1)

written declaration must be provided by the next eligibility determination if not obtained at the time the child is added to the assistance unit. Verification of the newborn's citizenship or alien status cannot be postponed until the next eligibility determination.

The declaration requirement is met when the applicant/recipient completes and signs the "Application for Benefits" or "Eligibility Review - Part A" form, as applicable.

Any member for whom the citizenship or alien status declaration requirement has not been met:

1. shall not be included in the assistance unit;
2. if required to be in the assistance unit, the income and resources of the person will be considered available to the assistance unit as indicated in [Sections 303.3.E. and F.](#) and [305.4.E.1.e.](#)

If a person claims to be a citizen and does not have documentation of citizenship or a social security number, then eligibility may exist for 90 days. If, by the end of 90 days verification is not provided, the individual is not eligible.

D. Systematic Alien Verification for Entitlements (SAVE) Program

1. The Immigration Reform and Control Act of 1986 (IRCA), requires the verification of the immigration status of aliens applying for certain types of benefits, including TANF. Local agencies should not use the SAVE system to confirm the status of human trafficking victims since their status is verified by the federal Office of Refugee Resettlement.
2. Aliens, except victims of human trafficking, must submit documentation of their immigration status before eligibility can be determined. (Refer to [Procedures](#), Section I.F.2. which outlines the categories of eligible aliens.) Once documentation has been provided, the agency must determine the validity of the documentation by comparing the alien information with current immigration records maintained by USCIS. This is accomplished through the Systematic Alien Verification for Entitlements (SAVE) Program and is intended to prevent the issuance of benefits to ineligible aliens.* SAVE verification must be initiated prior to case approval or action to add a person.

Verification is obtained through two processes:

- a. Primary verification - a direct access to USCIS files via telephone or personal computer;
- b. Secondary verification - a manual procedure completed in addition to primary verification via the Document Verification Request, Form G-845, and Document Verification Request Supplement, G-845 Supplement. (Refer to [Appendix V](#) to Section 201, pages 3 - 6.) Certain situations may arise where it may not be possible to access primary verification and secondary verification must be accessed or additional information is needed that can only be obtained through the secondary procedure. These situations are addressed in Section [201.7.D.4.](#)

Facts to be EstablishedSubstantiation and Procedures

currently available and child is obviously under 12, a signed statement of applicant/recipient or other individual having knowledge of the fact, attesting to the place of birth, if in the U. S., is acceptable substantiation of U. S. citizenship unless there is reason to question.

If the caretaker, EWB, or other adult AU member **age 19 or over is a U.S. citizen** according to signed statement of applicant/recipient, **the person must supply a social security number or verification of citizenship. If by the end of 90 days verification is not provided, the individual is ineligible.**

b. If born outside U. S.

b. Certificate of derivative citizenship, naturalization papers, document issued by a U. S. Embassy or Consulate attesting that child or caretaker is a U.S. citizen born abroad. If such documents are not available, must verify citizenship through the nearest U.S. Citizenship and Immigration Services. Requests for verifications should be done by mail if possible, "Attn: Immigration Status Verifier." Offices in Virginia are:

U.S. Citizenship and
Immigration Services
Norfolk Commerce Park
5280 Henneman Drive
Norfolk, VA 23513
Telephone: (757) 858-6183

U.S. Citizenship and
Immigration Services
4420 N. Fairfax Drive
Arlington, VA 22203
Telephone: (703) 235-4026

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